

Court of Appeals, State of Michigan

ORDER

People of MI v Donald Dearmin

Docket No. 259432

LC No. 04-007822-01

Helene N. White
Presiding Judge

William C. Whitbeck

Alton T. Davis
Judges

On its own motion, the Court orders the parties to file supplemental briefs, within 14 days of the Clerk's certification of this order, addressing the following issue: SHOULD DEFENDANT'S CONVICTION BE VACATED, AND THE MATTER REMANDED FOR NEW TRIAL, ON THE GROUND THAT DEFENDANT WAS CHARGED, TRIED AND CONVICTED UNDER THE FORMER VERSION OF MCL 750.529a, RATHER THAN THE VERSION THAT TOOK EFFECT ON JULY 1, 2004? In this regard, we note that although the original charging document asserted that the offense occurred April 20, 2004, the charge was later amended, and the proofs supported, that the charge related to a date in July, 2004, after the statute was amended. If the parties agree to the answer to this question, they should file a stipulation so stating.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR - 7 2006
Date

Sandra Schultz Mengel
Chief Clerk